

IDEM

Nonrule Policy Document

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Title: Waste Classification of Railroad Ties And Utility Poles

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Citations Affected: 329 IAC 10

Brief Description of Subject Matter: Guidance on proper disposal of creosote treated railroad ties and utility poles. The ties and poles are generally not considered hazardous waste.

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WASTE CLASSIFICATION OF RAILROAD TIES AND UTILITY POLES

Numerous questions have been received by this office relative to the proper disposal of discarded railroad ties and utility poles (wood products treated with creosote or pentachlorophenol.) Although the following is not intended to be an exhaustive discussion of the topic, it is in accordance with Indiana environmental laws and rules.

Many times railroad ties and utility poles that are taken out of service are used for secondary purposes, such as landscape timbers. Indiana Rule 329 IAC 3-2-2 (and 40 CFR 261.2) exempts materials from the definition of a solid waste if they are "used or reused as effective substitutes for commercial products." Therefore, it would be our interpretation that the use of these items for landscape timbers, posts, or other legitimate substitutes for commercial products would preclude them from consideration as solid or hazardous waste.

Treated railroad ties and utility poles that are destined for disposal (i.e., landfill, incineration, etc.) are considered solid waste. The first step in managing any material destined for disposal as a solid waste is to determine if it is a hazardous waste. There are four hazardous waste characteristics that are examined under RCRA: ignitability, corrosivity, reactivity, and toxicity. The only characteristic that may apply to treated wood is toxicity. This determination may be accomplished using actual physical testing, via the Toxicity Characteristic Leaching Procedure (TCLP), or by the use of "generator knowledge." Extensive TCLP testing of pentachlorophenol and creosote treated wood has conclusively demonstrated that these wood products are not a hazardous waste. According to 40 CFR 262.11(c)(2), such generator knowledge can be utilized in place of testing to determine that a waste is not a hazardous waste.

Therefore, treated railroad ties and utility poles that are being disposed of, but which are determined not to be hazardous are considered solid wastes and may be disposed of at any permitted solid waste municipal landfill pursuant to Indiana Rule 329 IAC 10.

NOTE: WASTE STATUS OF CCA TREATED WOOD

The following information is provided as guidance for the proper disposal of chromated copper arsenate (CCA) treated wood wastes. The U.S. Environmental Protection Agency has determined CCA treated wood waste is exempt from the hazardous waste rules of RCRA, even if it fails the TCLP as a D004 thru D017 waste, if it is generated by persons who utilize the wood for its intended end use [40 CFR 261.4 (b) (9) as corrected in 57 FR 30657-30658, July 10, 1992]. This Office has determined that CCA treated wood waste from manufacturing activities is subject to regulation under Industrial Waste. Non-hazardous waste from non-residential and non-commercial sources is an Industrial Waste. Industrial Waste must be handled in accordance Indiana Industrial Law IC 13-20-7.5. Waste from building construction activities will not be regulated as special waste under the construction/demolition exclusion (329 IAC 10-2-179 (b) (2), but will be regulated as solid waste subject to the provisions of 329 IAC 10.

If you have additional questions regarding the disposal of these materials, contact staff of the Compliance Branch, Office of Land Quality at 317/308-3103.